

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201904335	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/19/2019 4:15 PM	Location of Incident: Intersection of Ocean Parkway and Avenue R.	Precinct: 61	18 Mo. SOL 11/19/2020	EO SOL 7/6/2021	
Date/Time CV Reported Sun, 05/19/2019 10:13 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 05/19/2019 10:13 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Dencil Parmar	05918	961072	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Waly Saif	03744	947450	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Dencil Parmar	Abuse: Police Officer Dencil Parmar threatened to arrest § 87(2)(b) [REDACTED]	
B.POM Dencil Parmar	Abuse: Police Officer Dencil Parmar threatened to arrest § 87(2)(b) [REDACTED]	

Case Summary

On May 19, 2019, § 87(2)(b) filed the following complaint with the CCRB online.

On May 19, 2019, at approximately 4:15 p.m., § 87(2)(b) was driving his motorcycle on Ocean Parkway, approaching Avenue R in Brooklyn. He was pulled over by PO Dencil Parmar and Sgt. Waly Saif from the 61st Precinct. After a back and forth conversation, § 87(2)(b) asked PO Parmar if he was acting with “CPR”, referring to “courtesy, professionalism, and respect”, to which PO Parmar allegedly responded, “Oh, you don’t want to get locked up, do you?” (**Allegation A: Abuse of Authority; § 87(2)(g)**). PO Parmar issued § 87(2)(b) a summons for his expired registration, and § 87(2)(b) again denied that his exhaust was loud. PO Parmar responded, “If you want to get locked up, we can keep going back and forth” (**Allegation B: Abuse of Authority; § 87(2)(g)**). PO Parmar then told him that he needed to leave the street and get on the sidewalk, and § 87(2)(b) complied.

Body-worn camera (BWC) footage from PO Parmar and Sgt. Saif were provided to the investigation [BR01 and BR02, respectively].

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Dencil Parmar threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Dencil Parmar threatened to arrest § 87(2)(b)

It is undisputed that PO Parmar threatened to arrest § 87(2)(b) however he only did so once during the incident, despite § 87(2)(b) alleging that he did so twice.

§ 87(2)(b) testified he was pulled over by PO Parmar and Sgt. Saif, who directed him into a marked, double-lined center shoulder area in the middle of the street. He, PO Parmar, and Sgt. Saif had a back and forth regarding his motorcycle’s registration, which had expired unbeknownst to him. PO Parmar informed § 87(2)(b) that his motorcycle would have to be towed. § 87(2)(b) asked PO Parmar if this was “CPR”, referring to “courtesy, professionalism, and respect”, to which PO Parmar responded “Oh you don’t want to be arrested do you?” § 87(2)(b) was issued a summons for his expired registration. Upon issuing the summons, PO Parmar told § 87(2)(b) that they were doing him a “courtesy” by not summoning for his loud exhaust, to which § 87(2)(b) responded that it was not a courtesy, as his exhaust was not loud. PO Parmar then told him to get off the street, or they would arrest him. § 87(2)(b) then crossed the street and left the scene [BR03].

PO Parmar testified that he pulled § 87(2)(b) over for his loud exhaust, and later discovered that the motorcycle was unregistered, as it did not have the updated registration sticker. He stated that § 87(2)(b) was combative and aggressive during the encounter, as he was continually “talkative” and spoke in a loud volume, which he stated constituted disorderly conduct. § 87(2)(b) continued to be combative when PO Parmar issued him the summons, continually asking why he was being issued a summons. PO Parmar explained to § 87(2)(b) that he could not remain in the middle of the street due to safety concerns and asked him to leave twice, which § 87(2)(b) refused to do. PO Parmar then informed him if he did not leave he would be arrested. § 87(2)(b) asked why he would be arrested, and he and PO Parmar went “back and forth” for about five minutes, during which PO Parmar asked him to leave two more times. PO Parmar stated that § 87(2)(b) could have been arrested for refusing to leave, as well as being arrested in lieu of a summons. Eventually, § 87(2)(b) complied, and PO Parmar stopped the traffic while § 87(2)(b) crossed the street [BR04].

BWC footage from PO Parmar captured the officer only threatening to arrest § 87(2)(b) once, after the summons was issued. At 33:03 minutes, PO Parmar told § 87(2)(b) "If you want to get locked up, we can keep going back and forth", referring to their back and forth conversation about § 87(2)(b)'s loud exhaust. § 87(2)(b) asked PO Parmar if he is going to arrest him for arguing about his exhaust, to which PO Parmar responds, "Right." PO Parmar then told § 87(2)(b) that he could not stay on the street, and that § 87(2)(b) must leave, which § 87(2)(b) did. The footage did not show PO Parmar asking § 87(2)(b) to leave the street prior to threatening to arrest him, nor did it show him asking § 87(2)(b) to leave as frequently as he testified to [BR01].

NY CLS Penal §240.20 states that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, he engages in fighting or in violent, tumultuous or threatening behavior; or creates a hazardous or physically offensive condition by any act which serves no legitimate purpose; or when he obstructs vehicular or pedestrian traffic [BR05].

§ 87(2)(g)

While § 87(2)(b) was standing in the emergency shoulder area of the street, he was standing there because he had been pulled over. § 87(2)(g)

§ 87(2)(b) was also standing in a marked shoulder lane, and was not obstructing vehicular or pedestrian traffic. The BWC footage also shows that PO Parmar threatened to arrest § 87(2)(b) prior to telling him that he had to leave and that he could not remain in the street. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint § 87(2)(b) has been party to [BR06].
- This is the first CCRB complaint PO Parmar has been subject in.
 - He is a subject in open CCRB case #201906171, in which a force and discourtesy allegation is pled. The case is currently under investigation.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A FOIL request was sent to the New York City Office of the Comptroller to determine if a Notice of Claim was filed in regards to this complaint, and will be added to the case file upon receipt [BR07].
- According to the Office of Court Administration (OCA), § 87(2)(b) does not have a criminal conviction history in New York City [BR08].

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date